

These Minutes Have Not Been Approved By The Board
MINUTES OF THE MEETING
OF THE BOARD OF
RESPIRATORY CARE PRACTICE

May 4, 2006

CALL TO ORDER

Mr. Bruce Couillard, Chairperson, called the meeting of the Board of Respiratory Care Practice to order at 1:10 p.m. Thursday, May 4, 2006, in Conference Room LL-D of the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting Agenda 10 days prior to the meeting.

Roll Call

The following Board members, State Staff, and visitors were present at the meeting:

Bruce Couillard, Chairperson
Frank Freihaut, Vice Chair
Kay Lavene, Secretary

Diane Hansmeyer, Section Administrator
Patty Pierson, Credentialing Coordinator
Loretta Bennett, Investigator (Departed meeting at 2 p.m.)
Duane Newland, Investigator (Departed meeting 2:15 p.m.)

Susan Strong, Assistant Attorney General

Lawrence Reynolds, Applicant for Licensure (Entered meeting at 1:25 p.m.,
departed meeting at 1:40. He entered again at 1:55 p.m. and departed at 2 p.m.)

Absent: Lon Keim, M.D.

Adoption of the Agenda

Lavene moved, seconded by Freihaut, to adopt the agenda. Voting aye: Couillard, Lavene, and Freihaut. Voting nay: None. Absent and not voting: Keim. Motion carried.

Approval of Minutes

Freihaut moved, seconded by Lavene, to approve the minutes of the January 19, 2006 board meeting. Voting aye: Couillard, Lavene, and Freihaut. Voting nay: None. Absent and not voting: Keim. Motion carried.

Closed Session

Freihaut moved, seconded by Lavene, to move into closed session at 1:15 p.m. for the purpose of discussing confidential information and to protect the reputation of individuals. Voting aye: Freihaut, Couillard, and Lavene. Voting nay: None. Absent and not voting: Keim. Motion carried.

Out of Closed Session

Couillard moved, seconded by Freihaut, to come out of closed session at 2:15 p.m. Voting aye: Couillard, Lavene, and Freihaut. Voting nay: None. Absent and Not Voting: Keim. Motion carried.

LICENSURE APPLICATION

Couillard moved, seconded by Freihaut, to deny licensure to Dusty Packett due to an entry of patient abuse on the Nurse Aide Registry pursuant to the Findings of Fact Conclusions of Law and Order issued by Richard Raymond, M.D. Chief Medical Officer, on February 8, 2002. Voting aye: Lavene, Freihaut, and Couillard. Voting nay: None. Absent and not voting: Keim. Motion carried.

Couillard moved, seconded by Lavene to grant reinstatement of licensure to Gary Binder. Voting aye: Lavene, Freihaut, and Couillard. Voting nay: None. Absent and not voting: Keim. Motion carried.

REGULATION REVIEW

Number of allowable CE Hours for National Registry Exam

Couillard moved, seconded by Freihaut, to add the Registered Respiratory Therapy examination to 162.012.01B (6) as acceptable continuing competency education. A licensee will earn 10 contact hours of continuing education each 24-month renewal period for successful completion of this examination. Voting aye: Lavene, Freihaut, and Couillard. Voting nay: None. Absent and not voting: Keim. Motion carried.

On-going Review

Hansmeyer said that the board needs to review the regulations on a regular basis to see if any changes are required. Lavene suggested that everyone read the sections that might require changes, so that each member is prepared to address any concerns at the next board meeting. These sections are sections 10, 11, and 12. Hansmeyer said that within section 10, only 162-010.03 (10) needs to be reviewed because the remainder of the section is stated in statute, which can only be changed by lawmakers. In section 11, Hansmeyer said that 162-011.08 (6) should be considered because many boards are requesting to see the continuing education rather than rely on attestation. All of section 12 should be reviewed.

LAP REPORT

Hansmeyer gave the board a quarterly report on licensee usage of the Licensee Assistance Program. Hansmeyer pointed out that an article on chemical dependency is included with each quarterly report. She said these types of stories would be appropriate to include in association newsletters and are sent to associations for that purpose. Hansmeyer encouraged board members to attend the Nebraska Licensee Assistance Program Annual Workshop to be held in Omaha on May 19, 2006. There is no cost to attend this workshop.

NEW BUSINESS

Reaffirmation of Ballots

Hansmeyer said that the Open Meetings Law requires all mail ballots to be reaffirmed during regular board meetings. Couillard moved, seconded by Lavene to reaffirm the

mail ballots for Charles Taylor and Brian Haith to be licensed. Voting aye: Lavene, Freihaut, and Couillard. Voting nay: None. Absent and not voting: Keim. Motion carried.

Scope of Practice - Delivery of Newborns

A nurse working at a rural hospital emailed a question to the department regarding the scope of practice for respiratory care practitioners and requested a response. She stated that during a routine delivery at her facility, there are three professionals in attendance: a physician, a nurse, and a respiratory care practitioner. The nurse is responsible for stabilizing the mother, the physician is treating the mother's postpartum medical needs, and the respiratory care practitioner is in charge of the newborn. NRP guidelines require one person specifically for stabilization of a newborn. Specifically, the nurse wanted to know if it was in the respiratory care practitioner's scope of practice to do Apgar scores, weights, measurements, apply eye ointment, and administer Vitamin K injections. The board discussed how the Apgar scores, weights, and measurements are assessments and are within the respiratory care practitioner's scope of practice. Applying eye ointment and administering Vitamin K injections are not within the respiratory care practitioner's scope of practice. However, if the practitioner is under the direct supervision of a physician, has received facility-specific training, which results in demonstrated competencies in such post-partum functions, then it is allowable to perform such functions. Couillard moved, seconded by Freihaut that under physician's direct supervision that a facility-trained respiratory care practitioner demonstrating competency could perform specific functions related to the post-partum care of a newborn. Voting aye: Lavene, Freihaut, and Couillard. Voting nay: None. Absent and not voting: Keim. Motion carried.

OLD BUSINESS

Auricular Therapy/Low Level Light Therapy

This item was included in the agenda at a citizen's request. The citizen subsequently requested that it be removed.

Periodic Regulatory Evaluation Process Discussion (Prep)

Freihaut reported that the committee process was on-going. He said the committee is comprised of health care professionals and three lay persons. Freihaut's perception was that the regulatory review process was thorough. A total of 516 surveys were mailed to respiratory care practitioners and 194 reports had been returned. A lot of questions arose regarding the licensure process, continuing education hours, and some scope of practice concerns. Some of the questions were beyond the control of this committee. There appears to be confusion among the practitioners as to the difference between the functions of the association and the functions of the state regulatory board. Additionally, there seems to be a lack of understanding by the public of the role of the respiratory care practitioner. Hansmeyer offered to bring a consumer brochure designed for occupational therapists that defines their practice, which could be used as a model for the creation of a respiratory care practice brochure. The occupational therapists felt there would be value in educating the public by outlining their occupational skills in an informational brochure and by then placing the informational brochures in hospitals and physicians' waiting rooms.

MISCELLANEOUS

Hansmeyer said that staff mailed 1205 renewals to respiratory care practitioners. As of May 3, 365 licensees had renewed and there were 884 pending. This totals 1209. The reason for the increase is because staff issued three new licenses, after the renewal notices were mailed. Because of the time factor in original licensure, those three individuals are required to renew right away. Additionally, one individual reinstated his license, which gives us the 1209 total.

ADJOURNMENT

Mr. Couillard adjourned the meeting at 4:10 p.m.

Respectfully submitted by:

Lon W. Keim, MD

Prepared By: Patty Pierson